

October 8, 2001

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON APPEAL OF NOTICE AND ORDER

SUBJECT: Department of Development and Environmental Services File No. **E0001779**

PERRY R. AND VALARIE COLE

Code Enforcement Appeal

Location: 6117 Ames Lake-Carnation Road Northeast

Appellants: Perry R. and Valarie Cole
Represented by **Ross Radley**
Attorney At Law
999 Third Avenue #4100
Seattle, WA 98104
Telephone: (206) 624-9400
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King County: Department of Development and Environmental Services
Building Services Division, Code Enforcement Section
Represented by **Cass Newell**
King County Prosecuting Attorney
516 Third Avenue, Room E-550
Seattle, WA 98104
Telephone: (206) 296-9015
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Intervenor: King County Department of Transportation
Road Services Division
Represented by **Dennis McMahon**
King County Prosecuting Attorney
500 Fourth Avenue, 9th Floor
Seattle, WA 98104
Telephone: (206) 296-0430
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SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Deny the appeal
Department's Final Recommendation:	Deny the appeal
Examiner's Decision:	Deny the appeal

EXAMINER PROCEEDINGS:

Hearing Opened:	July 17, 2001
Hearing Closed:	August 17, 2001

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- | | |
|------------------------------|---------------------------|
| • King County Road Standards | • Occupancy Permit |
| • Entering Site Distance | • Right-of-Way Use Permit |

SUMMARY:

Denies appeal from notice and order.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **Notice and Order Served.** On November 9, 2000, the King County Department of Development and Environmental Services Code Enforcement Section ("Department" or "DDES") served upon Perry R. and Valarie Cole ("Appellant") at 6117 Ames Lake-Carnation Road Northeast a Notice of King County Code Violation: Civil Penalty Order: Abatement Order: Notice of Lien: Duty to Notify (hereinafter, "notice and order") which cited the Appellant for the following violations of King County code:
 - Occupancy of a residence without a certificate of occupancy and final approvals associated with building permit no. B98R2370;
 - Failure to comply with the permit requirements and correction notice(s) associated with this permit; and
 - Failure to meet conditions of the road standards variance no. L99V0026 (which established a minimum entering site distance on Ames Lake-Carnation Road Northeast), thus creating a life safety hazard. Regarding the King County road standards (KCRS) violations, the notice and order cites the following authorities: KCC 14.28.080; KCC 14.42.010; KCC 14.42.060; KCC 16.04.010; KCC 16.04.050; and KCRS¹ sections 2.1 and 3.01. Regarding the remainder citations of violation, the department also cited these authorities: RCW

¹ King County Road Standards adopted by King County Ordinance No. 11187.

19.27.020; RCW 19.27.031; RCW 19.27.040; RCW 19.27.050; and, WAC 51-40-003.

In order to bring the subject property² into code compliance, the notice and order commanded the Appellant to take the following actions:

- Cease occupancy of the residence until the violations cited are corrected;
- Maintain the residence closed to entry;
- Cease use of the current property access;
- Obtain any permits or permit modifications required to perform the corrective actions necessary, to be obtained from the proper issuing agency.

The notice and order required the Appellant to achieve compliance within 32 days or incur increasing civil penalties until compliance. See exhibit no. 2.

2. **Appeal Filed.** The Coles' filed timely appeal on December 4, 2000. The various appeal issues since that date have been substantially reduced due to agreement of the parties, satisfaction of requirements and rulings of the examiner. The core remaining issue concerns satisfaction of entering site distance (ESD). Regarding ESD, the Appellant argues the following:
 - a. The site distance required by code already exists. The Department and King County Road Services Division ("KRSD") have failed to ascertain actual compliance due to the sensitivity of measuring conditions affecting the driveway at issue and Ames Lake-Carnation Road Northeast.
 - b. The right-of-way use inspector who determined ESD non-compliance had no right to inspect for site distance because the ESD requirement was imposed by the building permit and occupancy permit, not by the right-of-way use permit.
 - c. County measurements of the ESD have varied so broadly that they have thwarted the Appellant's understanding and ability to comply.

The debate between the Appellant and DDES/KCRSD has generated a corollary issue: is a right-of-way survey necessary to finally approve the entering site distance? The Appellant argues that no right-of-way use permit condition required a survey. And, further, the Appellant argues that existing information of record demonstrates the Appellant's ability to comply with ESD requirements within the established right-of-way.

3. **Occupancy of residence.** The residence at 6117 Ames Lake-Carnation Road Northeast was occupied by the Cole family prior to and at the time of notice and order service. It has been continuously occupied from then until the present. The Appellant provides no indication of any intention to terminate or suspend occupancy. These facts are undisputed among the parties. The hearing record contains no citation of authority which would allow such occupancy when there is a dispute between the property owner and DDES regarding the terms and conditions of occupancy. The hearing record contains no citation of authority which allows a property owner to disregard intentionally and unilaterally the requirement to obtain an occupancy permit before occupying a residence, regardless of rationale.

² 6117 Ames Lake-Carnation Road Northeast; King County Assessor's Tax Assessment Parcel 0725079041. In addition, a legal description of the property is noted on the first page of the Department's November 9, 2000 notice and order. No party has objected to that description.

4. **ESD measurement variation.** KCRSD finds an ESD of 368 feet at the Cole driveway/Ames Lake-Carnation Road Northeast intersection. KCRSD measured the ESD at least four times. First, right-of-way use inspector Barto found only 290 feet, insufficient to satisfy the 685 foot ESD required by KCRS section 2.05 (table 2.1). Since then, KCRSD representatives measured the disputed entering site distance three additional times: Morris, April 29, 2000, by measuring wheel, 274 feet; Foley and Morris, July 10, 2001, by Topofil, 276 feet; and, Spangler, with an electronic distance measurement (EDM) device, August 6, 2001, 368 feet. Taking into account changes in driveway elevation, these measurements are relatively consistent; that is, within the same general range. Measurements taken by Appellant Cole with his friend and colleague McDaniel have been substantially greater, ranging from 468 to 490 feet.

There appear to be several explanations for the variations among the County measurements and the major variation between the County and Appellant ESD measurements:

- *Driveway elevation changes.* When Barto first measured the ESD, Cole driveway improvements were rudimentary. Subsequent additions of crushed rock have increased the driveway elevation, thereby increasing the elevation from which ESD measurements are taken. Rutting of the driveway could also cause variations in measurement device elevation. KCRSD argues further that additional gravel was added to the driveway *between* its July 10, 2001 and August 6, 2001 measurements. Some evidence, but not a preponderance of evidence, supports this assertion.
- *Varying measurement instrument location.* KCRSD consistently measured ESD from the centerline of the Cole driveway, whereas Cole/McDaniel measured ESD from the centerline of one of two presumed lanes—the “outbound” or “exiting” right-hand “lane.” The KCRSD contains no indication that residential driveways are divided into lanes. The Appellant provided no authoritative basis for this approach. Apparently, the Cole driveway is approximately 20 feet wide, thereby making conceptually possible two lanes. KCRS drawing no. 3-006 indicates that a residential driveway may be as narrow as ten feet, thereby eliminating the possibility of a two lane residential driveway *requirement*. Photographs in evidence show no obvious lane division.
- *Measurement parameters.* There are several constants which make measurement results sensitive to the locations chosen for survey device placement. The warp of Ames Lake-Carnation Road Northeast due to turning curvature and drainage will affect survey rod elevation by a few inches. The nearby guardrail location creates a vertical limit to viewing oncoming vehicles, a limit which also may be minimized or exaggerated by survey tool location. Adjacent trees along or within the right-of-way create a horizontal limit or fulcrum which may affect view span depending upon survey instrument location.
- *Survey rod placement.* Whereas KCRSD places the survey rod two feet from the centerline, following both standard KCRSD practice and industry-wide practice, Cole/McDaniel apparently do not. The Appellant objects to evidence supporting the existence of an industry standard, but agrees that this difference in approach could yield different results.

5. **Right-of-way survey requirement.** Now, KCRSD indicates that it will accept the 368 foot ESD, a remarkable reduction from the KCRS 685 foot ESD standard. However, KCRSD wants the Applicant/Appellant to provide a survey of the right-of-way boundaries which indicate that, following the right-of-way clearing that has occurred, the 368 feet may be achieved solely within county right-of-way. KCRSD bases this requirement on the obvious proposition that, if the ESD cannot be achieved within county public right-of-way, then a site distance easement must be obtained from the abutting property owner. The Appellant has indeed removed trees, while at the same time arguing that remaining trees act as a horizontal limit to the site distance view span. Whereas KCRSD indicates that this is a common and ordinary requirement under such circumstances, the Appellant argues that neither the County Road Engineer's original letter granting an ESD variance from applicable standards nor the right-of-way use permit mentioned any requirement to provide a survey. KCRS responds that the survey requirement is a direct result of revising the initial variance by granting a shorter 368 foot ESD. The survey requirement, thus, is part of a "compromise" package offered to the Appellant—one which, if agreed to, would resolve all issues.

Although Appellant Cole strenuously opposes the survey requirement, he nonetheless insists that ESD is difficult to measure in this location (as indicated in finding no. 4, preceding) due to the curvature of Ames Lake-Carnation Road Northeast, warp of that same road, horizontal limitations due to tree locations, variations arising from driveway elevation, vertical site distance limitations arising from existing guardrail location, location of survey instrument (e.g., in middle of driveway or in middle of "exit lane") and location of survey rod (e.g., two feet from centerline within the oncoming lane as practiced by KCRSD or somewhere else as suggested by Cole). In other words, the Appellant's position on the necessity of right-of-way survey contradicts the Appellant's position on ESD survey variability.

6. **Nature of dispute.** Upon his first right-of-way use permit inspection, prior to Cole's driveway elevation-raising improvements, Inspector Barto found a 274 foot ESD. However, Appellant Cole's friend and colleague, McDaniel, found a 416 foot ESD. Using a 100 foot rag tape, Cole himself found a 425 foot ESD. In March of 2001 with a "calibrated pace" he found a 465 foot ESD.

On May 18, 2000, Ronald J. Paananen, PE, County Road Engineer, representing King County Road Services Division, wrote to Appellant Cole (in part) the following:

You stated, in your submittal for a variance dated March 11, 1999, the entering site distance could be increased to approximately 400 feet by selectively cutting brush, trees and regarding the right-of-way area. Staff from Road Services could measure only approximately 274 feet of entering site distance after this work was completed. This is significantly less than the required distance of 685 feet in the King County Road Standards and less than 400 feet you stated you could achieve in your submittal. You must explore other options to obtain a minimum entering site distance of 400 feet. Please submit your proposal(s) to the RSD for review.

By his own testimony, Appellant Cole never responded to that letter or the request for proposal(s) contained in that letter.

Appellant Cole suggests in his testimony, probably correctly, that measured ESD could increase substantially by increasing driveway elevation; and, further, that the driveway was unfinished at the time of Mr. Barto's 274 foot ESD measurement. Subsequently, according to Mr. Cole's testimony, the driveway elevation has been increased by approximately six inches. The hearing record contains no hint that Cole advised Barto or anyone else of this explanation for the difference between early County measurements and later Cole/McDaniel measurements. When Barto called to arrange an appointment to remeasure ESD, Appellant Cole terminated the conversation by hanging up the telephone. Appellant Cole's own notes regarding this incident, dated June 16, 2000 states:

Joe Barto at King County

He said that he sent an email asking if I want him to final the permit out (a while ago). I said "I must hang up now." I did. (I think the work is complete as I said in my email. I don't need to tell him to do his job.)

In County Road Engineer Paananen's May 18, 2000 letter to Appellant Cole (exhibit no. 39), quoted above, Mr. Paananen also said:

We have contacted the Department of Development and Environmental Services with our findings regarding this deficiency [referring to the ESD measured shortfall described above]. Please contact them to determine what action will be taken regarding the status of your building permit.

Following up on that letter and recommendation from County Road Engineer Paananen, Mike Dykeman of DDES (Building Services Division) called Mr. Cole on June 14, 2000, to advise him that he was sending a letter regarding ESD. He described it as a courtesy call to let Mr. Cole know the letter would soon arrive. By his own notes (exhibit no. 54, section 4) Cole responded as follows:

Told him that he should stay out of this – let DDES /DOT handle this.

Mr. Dykeman's June 14, 2000 letter asked for Mr. Cole's compliance proposal. By his own testimony, Mr. Cole never responded to Mr. Dykeman's letter either. Further, he testified that he did not respond to the Barto, Paananen and Dykeman requests because he knew he was "right."

His log notes, though brief, provide an interesting documentation of his increasing emotional involvement in his relationship with DDES and KCRSD employees. On March 8, 1999, Mr. Cole advised King County Prosecuting Attorney Civil Deputy Kevin Wright that he should advise the KCRSD that "their legal standing is weak." Mr. Cole's notes show numerous contacts with various DDES and KCRSD personnel, sometimes calling the same person repeatedly. For instance, he called Greg Borba, DDES, twice on March 24, 1999, again on March 25, 1999, again on March 26, 1999, again on March 29, 1999, again on March 30, 1999, again twice on April 2, 1999. At the same time, he was making repeated calls to the DDES Director, Greg Kipp and his secretary, Chris Wells, to King County Executive Ron Sims April 2, 1999 and Land Use Services Division Manager Mark Carey, April 6 and twice on April 7, 1999.

7. **Conclusions adopted as findings.** Any portion of any of the following conclusions that may be construed as a finding is incorporated here by this reference.

CONCLUSIONS:

1. Any portion of any of the above findings that may be construed as a conclusion is incorporated here by this reference.
2. The core facts of this case may be reduced to this simple truth: Appellant Cole intentionally and willfully established residency without first obtaining an occupancy permit. There is no disagreement in the hearing record regarding this fundamental fact. Most of the rest is story, fury and theory. The hearing record contains no citation of authority which would authorize Appellant Cole to unilaterally disregard this life safety requirement.
3. Appellant Cole has shown through his own testimony and evidence, as well as the positions he has taken through this hearing, that he loves a good argument. Apparently, based upon the measurable and observable results of this appeal review, he loves an argument far more than resolving the issue at hand. In this case, the issue at hand concerns compliance with the ESD requirements of King County. KCRSD first agreed to reduce that requirement from 685 feet to 400 feet. Subsequently, KCRSD agreed to reduce the ESD to 386 feet. Mr. Cole's response has been to argue measurement methodology and to refuse to provide a survey assuring that the 386 feet may be obtained wholly within publicly owned right-of-way. Unfortunately, his love of argument, combined with his apparently volatile personal style (based on his own telephone logs and testimony), has served to waste incredible amounts of public servant time, including the time invested by this office.
4. The quibbles regarding ESD measurement and survey documentation need not be addressed extensively in these conclusions. The analysis provided by the KCRSD is sound. There is no need for the examiner in this case to substitute his own judgment for the judgment of competent administrators interpreting their own rules. The preponderance of evidence, accumulated by several measurements using several methods and tools, rests with the County. For failure to use industry standard procedures, and to find clever rationale for placing the survey instrument and rod in non-standard locations, the Cole/McDaniel measurements lack credibility. There is a new home within which a family resides in violation of King County occupancy permit requirements. That is the paramount issue that must be resolved. The order below encourages that resolution.
5. Did Inspector Barto have the authority to measure and enforce sight distance? It doesn't matter. The record contains several measurements which demonstrate the difficulty and challenge of obtaining ESD in this location. Cole chose to occupy the house apparently knowing full well the cause of Barto measurement shortfall without once communicating the solution to DDES or KCRSD staff. The record shows that Appellant Cole for a year and a half kept his secret regarding elevation enhancing improvements to the driveway surface from KCRSD and DDES staff, apparently all for the love of a good argument. Certainly, no other purpose was served.

Appellant Cole would like to blame KCRSD and DDES for the costs incurred over this lengthy dispute, yet he – by his own admission – knew the answer to the riddle. All along, he held the information that explained the difference between the Barto measurement and more recent measurements, yet chose to continue the dispute by withholding that information. When asked

“why” in cross examination, Cole responded, “Because I knew I was right.” His personal notes in evidence also indicate his belief that it is not his responsibility to tell KCRSD or DDES staff to do their jobs. This behavior is a little like the patient who doesn’t tell the doctor everything because he wants to see if the doctor is smart enough to figure it out himself – then blames the doctor for misdiagnosis. To seek claims from the County for the costs associated with this protracted dispute would be preposterous. And whether Barto had authority as an agent of the County to take measurements is utterly irrelevant to the core issue of noncompliance. See also conclusion no. 4, preceding, regarding diminished credibility of Appellant measurements, the preponderance of evidence and the ability of KCRSD to interpret their own rules.

DECISION:

- A. Regarding citation for occupancy of a residence without an occupancy permit, the appeal is DENIED.
- B. Regarding citation for failure to comply with permit requirements and correction notices, the appeal is DENIED.
- C. Regarding citation for failure to meet King County Road Standards regarding entering sight distance, the appeal is DENIED.

ORDER:

The subject property owner and Appellant Perry R. Cole shall correct all violations:

- by complying with the entering site distance requirements of King County as administered by King County Road Services Division; and,
- by obtaining an occupancy permit authorizing occupancy of the residence at 6117 Ames Lake-Carnation Road Northeast;

no later than November 19, 2001 or he shall incur an initial civil penalty in the amount of \$1,700.

Failure to comply with this order by **December 24, 2001** shall result in an additional civil penalty in the amount of \$2,550. Failure to comply by **January 8, 2002**, shall cause yet an additional civil penalty in the amount of \$3,400. Further, if this matter has not been resolved as required by this order by **January 8, 2002** -- either by termination of occupancy or by compliance with King County entering site distance and occupancy permit requirements as administered by KCRSD and DDES respectively -- King County shall move to abate occupancy of the residence.

Nothing in this order shall be construed as limiting the authority of the King County Prosecutor, DDES and KCRSD to prosecute this matter in any other manner authorized by law.

ORDERED this 4th day of October, 2001.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 8th day of October, 2001, by certified mailing to the following party:

Perry and Valarie Cole
6117 Ames Lake-Carnation Road Northeast
Carnation, WA 98014

TRANSMITTED this 8th day of October, 2001, to the following parties and interested persons:

Perry R. and Valarie Cole
6117 Ames Lake-Carnation Road NE
Carnation WA 98014

James McDaniel
11604 Trombley Rd.
Snohomish WA 98290

Ross Radley
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3316 Fuhrman #250
Seattle WA 98102

Joe Barto
DDES/LUSD
Land Use Inspection
MS OAK-DE-0100

Roger Bruckshen
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MS OAK-DE-0100

Elizabeth Deraitus
Code Enforcement Supervisor
DDES/
OAK-DE-0100

Mike Dykeman
DDES/Bldg Svcs
Building Inspection
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Lydia Reynolds-Jones
King County Dept Transportation
Manager/Project Support Services
MS KSC-TR-0231

Heather Staines
DDES/BSD
Code Enforcement-Finance
MS OAK-DE-0100

Bill Turner
DDES/BSD
Code Enforcement
MS OAK-DE-0100

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JULY 17, 2001, AUGUST 14, 2001 AND AUGUST 17, 2001 PUBLIC HEARING
ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO.
E0001779 – PERRY R. AND VALARIE COLE:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Cass Newell, Don Gauthier, Joe Barto, Erroll Garnett and Michael Dykeman. Participating in the hearing and representing the Appellant was Ross Radley. Other participants in this hearing were Dennis McMahon, James McDaniel, Delite Morris and Paulette Norman.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Staff report to the Hearing Examiner, dated July 3, 2001
- Exhibit No. 2 Copy of Notice & Order issued November 9, 2000, with certified mail receipts
- Exhibit No. 3 Copy of Appeal, received December 4, 2000
- Exhibit No. 4 Computer log notes
- Exhibit No. 5 Occupancy Inspection (October 31, 2000)
- Exhibit No. 6 Site photos taken December 27, 2000
- Exhibit No. 7 Inspection notes for Permit No. B98R2370 dated October 31, 2000
- Exhibit No. 8 Final inspection notes for Permit No. B98R2370 dated October 31, 2000 with attachments
- Exhibit No. 9 Letter dated December 26, 1999 to Perry Cole from Donald S. Gauthier, Jr.
- Exhibit No. 10 Inspection notes dated June 14, 2000
- Exhibit No. 11 construction permit for Permit No. B98R2370 issued March 31, 2000
- Exhibit No. 12 Letter dated March 1, 1999 to Perry Cole from Joanna Lenana regarding residential permit
- Exhibit No. 13 Site review notes with maps attached
- Exhibit No. 14 Residential site engineering approval conditions approved February 15, 2000
- Exhibit No. 15 Mike Dykeman's notes dated October 31, 2000
- Exhibit No. 16 Letter dated January 16, 2001 to Perry Cole from Don Gauthier
- Exhibit No. 17 Letter dated March 19, 1999 to Perry Cole from Don Gauthier
- Exhibit No. 18 Map of Cole residence with clearing plan dated October 10, 1999
- Exhibit No. 19 Photographs of right-of-way near Cole residence
- Exhibit No. 20 Conditions of permit/approval dated February 15, 2000
- Exhibit No. 21 Transmittal form dated January 17, 2000 to Steve Bottheim from Perry Cole
- Exhibit No. 22 Right-of-way use permit dated February 22, 2000
- Exhibit No. 23 Application for right-of-way use permit dated October 10, 1999
- Exhibit No. 24 Notice of decision for File #L99VA310 dated October 12, 1999
- Exhibit No. 25 Map of Cole residence with revisions
- Exhibit No. 26 Record of Sensitive Area Review for Variance and Exception Applications dated April 8, 1999 with attached Sensitive Area Special Study and Wetland Determination Report for Perry Cole revision dated July 26, 1999
- Exhibit No. 27 Revised Zoning Variance Report and Decision for File No. L99VA310 transmitted November 24, 1999
- Exhibit No. 28 Letter dated May 5, 1999 to Perry Cole from Pesha O. Klein regarding permit application No. A99M0092
- Exhibit No. 29 Zoning Variance Report and Decision transmitted October 12, 1999
- Exhibit No. 30 Application for Zoning Code Variance (including Sensitive Areas Variance) application No. A99M0092/L99VA310 dated August 9, 1999
- Exhibit No. 31 Letter dated January 16, 2001 to Perry Cole from Greg Kipp
- Exhibit No. 32 Letter dated October 13, 2000 to James McBride from Chris Ricketts
- Exhibit No. 33 KCRS Section 3.01A
- Exhibit No. 34 KCRS Section 2.13
- Exhibit No. 35 KCRS Section 2.05 and Table 2.1
- Exhibit No. 36 ESD Variance Request dated March 11, 1999
- Exhibit No. 37 Joe Barto's Inspector's Daily Report for L99V0026 dated March 29, 2000
- Exhibit No. 38 Letter dated May 19, 1999 from Ron Paananen, County Road Engineer to Mr. Cole approving the ESD variance request
- Exhibit No. 39 Letter dated May 18, 2000 to Perry Cole from Ronald J. Paananen regarding the road variance

Exhibit No. 40 Letter dated June 14, 2000 to Perry Cole from Mike Dykeman, DDES
Exhibit No. 41 Aerial photograph dated Fall, 2000
Exhibit Nos. 42
Thru Exhibit 53 Photographs taken by Delite Morris May 31, 2001
Exhibit No. 53 Photograph taken by Delite Morris looking North at Cole's Driveway
Exhibit No. 54 Appellant's Exhibits
Exhibit No. 55 Diagram of measurement of sight distance (illustrative) cross section of driveway by Mr. Barto

The following exhibits were offered and entered into the record as of August 14, 2001:

Exhibit No. 56 August 10, 2001 letter from Mr. McMahon to Ross Radley
Exhibit No. 57 Nine photos taken by Delite Morris (taken the week of July 17, 2001)
Exhibit No. 58 Drawing of site distance measurement illustration offered by D. Morris
Exhibit No. 59 King County DOT drawing entering site distance measurement dated August 6, 2001
Exhibit No. 60 Readout from an electronic distance measurement device dated August 6, 2001
Exhibit No. 61 Patti Spangler's written notes dated August 6, 2001
Exhibit No. 62 James McDaniel's notes of February 12, 2001 and February 5, 2001
Exhibit No. 63 Excerpt from AASHTO – Geometric Design of Highways and Streets, page 136
Exhibit No. 64 E-mail from Steve Townsend to Greg Kipp

The following exhibits were offered and entered into the record as of August 17, 2001:

Exhibit Nos. 65
Thru Exhibit 78 Photos of Cole Property taken August 15, 2001
Exhibit No. 79 Cole lot plan
Exhibit No. 80 Survey of lot line adjustment for Peter Johnson

RST:gao
E0001779 RPT